

**REAL ESTATE COMMISSION
HEBER M. WELLS BUILDING
ROOM 210
September 19, 2012
9:00 a.m.**

MINUTES

STAFF MEMBERS PRESENT

Michael Palumbo, Acting Division Director
Mark Fagergren, Education/Licensing Director
Judith Jensen, Assistant Attorney General
Jennie Jonsson, Acting Hearing Officer
Amber Nielsen, Acting Board Secretary
Jill Childs, Division Staff
Kathy Archuleta, Division Staff
Tiffeni Wall, Division Staff
Van Kagie, Real Estate Investigator
Kurtis Hughes, Real Estate Investigator
Carlos Alamilla, Real Estate Investigator

BOARD MEMBERS PRESENT

Stefanie Tugaw-Madsen, Chair
H. Thayne Houston, Vice Chair
Kay R. Ashton, Commissioner
H. Blaine Walker, Commissioner
Gary R. Hancock, Commissioner
Russell K. Booth, Commissioner
Lerron E. Little, Commissioner

PUBLIC

Kevin Swenson
Joan Evans
Paul Naylor
Tammy Lund
Peter Christensen
Shane Norris

The September 19, 2012 meeting of the Real Estate Commission began at 9:00 a.m. with Chair Tugaw-Madsen conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Administering Oaths of Office to New Commissioners – Chair Tugaw-Madsen and Commissioner Walker will be leaving the commission. Russell K. Booth and Lerron E. Little were sworn in and given the Oath of Office as Commissioners for the Real Estate Commission by Administrative Law Judge Jennie Jonsson.

Election of Officers for Upcoming Year – A motion was made to name Commissioner Houston as Chair for the upcoming year. Vote: Commissioner Ashton, yes; Commissioner, Hancock, yes; Commissioner Houston, yes; Commissioner Little, yes; Commissioner Booth, yes. The motion passes.

A motion was made to name Commissioner Ashton as Vice Chair for the upcoming year. Vote: Chair Houston, yes; Commissioner, Hancock, yes; Commissioner Ashton, yes; Commissioner Little, yes; Commissioner Booth, yes. The motion passes.

At 9:06 a.m. Chair Houston began conducting the meeting.

Approval of Minutes – A motion was made to approve the minutes for the July 18, 2012 meeting as written. Vote: Former Chair Tugaw-Madsen, yes; Commissioner Ashton, yes; Commissioner Walker, yes. The motion passes.

A motion was made to approve the minutes for the August 21, 2012 meeting as written. Vote: Chair Houston, yes; Former Chair Tugaw-Madsen, yes; Commissioner Hancock, yes.

DIVISION REPORTS

Director's Report – Michael Palumbo

Acting Director Palumbo thanked Former Chair Tugaw-Madsen and Former Commissioner Walker for their years of service. Acting Director Palumbo welcomed Commissioner Booth and Commissioner Little.

Acting Director Palumbo excused Director Jonathan Stewart and Enforcement Director Jeffrey Nielsen who are currently attending an ARELLO Conference. Director Stewart is expected to make a report on this conference at the October 17, 2012 Commission Meeting.

Enforcement Report – Michael Palumbo

Acting Director Palumbo reported in August the Division received 40 complaints; opened 51 cases; closed 48 cases; leaving 253 total real estate cases.

Stipulations for Review

Craig C. Binks

Rene Romero

Each of the respondents was offered the opportunity to appear today, but each has declined. Investigators Alamilla and Hughes were present and answered questions from the Commission.

Education/Licensing Report – Mark Fagergren

Mr. Fagergren thanked Former Chair Tugaw-Madsen and Former Commissioner Walker for their years of service, and welcomed Commissioner Booth and Commissioner Little.

Mr. Fagergren reported that the number of real estate licensees has decreased by 264 agents since last month.

Mr. Fagergren reported the pre-licensing test questions have been improved and are now better preparing new sales agents to enter the industry. Mr. Fagergren mentioned possible future CE banking changes.

Mr. Fagergren announced the Instructor Development Workshop will be held October 29-30, 2012 in Park City.

Stipulations for Review

Anthony Ramirez

Chad Sippel

Cole Wadsworth

Each of the respondents was offered the opportunity to appear today, but each has declined.

Mr. Fagergren presented an application submitted by an individual who does not have a high school diploma or GED, and has requested that his resume be considered by the Commission as evidencing equivalent education.

Prior to turning time over to Ms. Jonsson, Chair Houston acknowledged the absence of Board Secretary Renda Christensen.

Updates on Rules – Jennie Jonsson

Ms. Jonsson reported that various rule amendments went into effect August 21, 2012.

Ms. Jonsson stated there would be no rule amendments presented today.

Ms. Jonsson presented a brief to the Commission for their consideration. The brief was submitted by Nichole Larson, a sales agent whose license was issued on probation by the Division's Hearing Officer. Ms. Larson wishes to appeal the order of probation, but has submitted her appeal by brief rather than by appearing for hearing.

Vice Chair Ashton announced he will be unable to attend the October 17, 2012 Commission meeting.

A motion was made to briefly recess and close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Houston, yes; Vice Chair Ashton, yes; Commissioner, Hancock, yes; Commissioner Little, yes; Commissioner Booth, yes. The motion passes.

A recess was held from 9:45 a.m. to 9:48 a.m.

The meeting was reopened to the public; Ms. Jonsson on behalf of the Division presented plaques to Former Chair Tugaw-Madsen and Former Commissioner Walker as tokens of appreciation for their years of service.

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Houston,

yes; Vice Chair Ashton, yes; Commissioner, Hancock, yes; Commissioner Little, yes; Commissioner Booth, yes. The motion passes.

An Executive Session was held from 9:50 a.m. to 10:20 a.m.

CLOSED TO PUBLIC

Deliberation on Stipulations, request for waiver of high school education/GED licensing requirement, and review of Ms. Larson's brief.

OPEN TO PUBLIC

Results of Stipulations

Craig C. Binks - Approved

Rene Romero - Approved

Anthony Ramirez - Approved

Chad Sippel - Approved

Cole Wadsworth – Approved

Assistant Attorney General Tony Patterson presented Commissioner training.

A recess was held from 11:14 a.m. to 11:16 a.m.

A motion was made to adjourn the meeting. Vote: Chair Houston, yes; Vice Chair Ashton, yes; Commissioner, Hancock, yes; Commissioner Little, yes; Commissioner Booth, yes. The meeting was adjourned at 12:24 p.m.